

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:11CR376
)	
Plaintiff,)	
)	
vs.)	TENTATIVE FINDINGS
)	
ROSA MARTINEZ-IBARRA,)	
)	
Defendant.)	

The Court has received the Presentence Investigation Report (“PSR”), the Defendant’s objections thereto (Filing No. 43), and the Defendant’s accompanying brief (Filing No. 44). See Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

The Defendant objects to the enhancement in ¶ 12 under U.S.S.G. § 2B1.1(b)(11)(A)(ii). The basis for the enhancement is that the sequence of numbers on a Social Security card is considered an “authentication feature” defined in 18 U.S.C. § 1028(d)(1). The objection will be heard at sentencing.

IT IS ORDERED:

1. The Defendant’s objections to ¶ 12 of the PSR will be heard at sentencing;
2. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary

hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

3. Absent submission of the information required by paragraph 2 of this Order, my tentative findings may become final; and

4. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 19th day of April, 2012.

BY THE COURT:

s/ Laurie Smith Camp
Chief United States District Judge